



Drug Court Partnership

A Collaboration of

The Judicial Council of California and The
California Department of Alcohol and Drug Programs

Drug Court Partnership Act of 1998, Senate Bill 1587 (Alpert), Stats. 1998, Ch. 1007 Interim Report

Prepared by

**The California Department of Alcohol and Drug Programs and
the Judicial Council of California, Administrative Office of the Courts**

March 2000

DRUG COURT PARTNERSHIP ACT OF 1998

Interim Report

*Prepared by the California Department of Alcohol and Drug Programs and
the Judicial Council of California, Administrative Office of the Courts*

Introduction

This interim report has been prepared pursuant to section 11970 of the Health and Safety Code, which requires the Department of Alcohol and Drug Programs (ADP) and the Judicial Council to develop an interim report on progress achieved under the Drug Court Partnership Act of 1998, Senate Bill 1587 (Alpert), Stats. 1998, ch. 1007.

Legislative Mandate and Program Purpose

The Drug Court Partnership Act established the Drug Court Partnership Program (DCPP). The act states that “the Drug Court Partnership shall be administered by the Department of Alcohol and Drug Programs for the purpose of demonstrating the cost-effectiveness of drug courts operating pursuant to Sections 1000 to 1000.4, inclusive, of the Penal Code, and for any defendant who has entered a plea of guilty and is on active probation. The department shall design and implement the program with the concurrence of the Judicial Council.” (Health & Saf. Code § 11970 (b)) The act further establishes a competitive grants program to which county alcohol and drug program administrators may submit grant requests as part of multiagency plans that identify the resources and strategies needed for effective drug court programs.

◆ Funding

The Drug Court Partnership Act appropriated \$4 million in State General Fund (SGF) monies for fiscal year (FY) 1998–1999. This legislation also expressed intent to appropriate \$8 million per year starting FY 1999–2000 through FY 2001–02. The Governor approved \$8 million in ADP’s Budget for FY 1999–00.

The Partnership Act also provides that up to five percent of the annual amount appropriated is available to ADP to administer the program. ADP is using the appropriated five percent of the grant to provide administrative support to monitor counties; provide technical assistance; and to develop and conduct an evaluation instrument to assess program costs, client outcomes, and overall program effectiveness.

◆ Partnership Entities

The Department of Alcohol and Drug Programs and the Judicial Council have defined roles and responsibilities under the terms of the Partnership Act. ADP, the state administrative agency for California’s substance abuse treatment system, provides support, guidance, and a funding mechanism for the substance abuse treatment system that supports drug courts. The Judicial Council, as the state administrative agency for California’s judicial system, provides administrative support, standards, and guidance for the state’s drug court programs. Under the terms of the Partnership Act, these agencies are working together to:

- Administer the Drug Court Partnership Program;
- Design and implement the program;
- Award grants that provide funding for four years;
- Establish minimum standards for the use of funds in drug courts;
- Establish procedures for awarding grants;
- Identify outcome measures that will assist in determining the cost-effectiveness of the program;
- Create an evaluation design for the DCPD that will assess the effectiveness of the program; and
- Report on the DCPD's progress through this interim report and a final analysis of the grant program that will be submitted to the Legislature on or before March 1, 2002.

ADP and the Judicial Council formed the DCPD Executive Steering Committee (Steering Committee) to advise the agencies on the development and implementation of the DCPD. There are eight Steering Committee members, each representing one of the following organizations: Judicial Council, ADP, Legislative Analyst's Office, California State Association of Counties, law enforcement community, County Alcohol and Drug Program Administrators Association of California (CADPAAC), county treatment provider/Judicial Council Oversight Committee for the California Drug Court Project, and the research and evaluation community. Currently the Steering Committee is co-chaired by representatives from the Judicial Council and ADP. The Steering Committee will remain in place for the four-year duration of the project. It meets quarterly (or more frequently as needed) to discuss policy matters and any other issues pertaining to the DCPD. Its meetings are open to the public, and DCPD grantees are always invited to attend.

Program Development and Implementation

The Partnership Act requires ADP, with the concurrence of the Judicial Council, to award grants on a competitive basis for four years to qualifying counties that develop and implement drug court programs operating pursuant to sections 1000 to 1000.4, inclusive, of the Penal Code, and for any defendant who has entered a plea of guilty and is on active probation.

◆ Grant Award Process

ADP and the Judicial Council jointly developed a Request for Applications (RFA) and the guiding principles for implementing the DCPD. The RFA contains criteria for grant awards developed by the Steering Committee and subsequently approved by ADP and the Judicial Council. The criteria are:

1. The number of participants who will be served in the program;
2. A demonstrated commitment to exceed the minimum match requirement (in-kind contributions);
3. A demonstrated ability to provide treatment to the clients who will be served through the program;
4. A demonstrated capacity to administer the program;

5. A demonstrated ability to report measured outcomes for participants in the program and participants in comparable drug court programs administered by the county;
6. A demonstrated commitment to the local drug court program on the parts of participating local agencies and the court; and
7. A demonstrated commitment by the drug court to meet the ten key components, which are drug court guidelines developed by the U.S. Department of Justice and the National Association of Drug Court Professionals.

The RFA was also distributed for public comment and was refined as a result.

As spelled out in the RFA, the DCPD requires each grantee to provide a local in-kind or cash match for each of the four project years. The grant requires a 10 percent minimum match for each of the first and second years, and a 20 percent minimum match for each of the third and fourth years. The most common types of matches are in-kind matches of personnel expenses (e.g., those of superior court judges, probation officers, drug counselors, and support staff), as well as office space, drug testing services, and client transportation.

An inter-disciplinary team comprised of representatives from ADP, the Judicial Council, and an out-of-state judicial branch member reviewed and ranked the grant applications according to their ability to meet the approved criteria.

◆ Initial Distribution of Funding

In May 1999, ADP and the Judicial Council awarded the FY 1998–99 appropriated funding of \$4 million to the 18 top-ranking counties for four years. In FY 1999–2000 an additional \$8 million was appropriated for the program (bringing total DCPD funding to \$12 million), enabling ADP and the Judicial Council to make four-year awards to the remaining 16 counties that had applied for funding. Those awards were made in July 1999.

The funds were distributed using a proportionate methodology that based grants on the population sizes of the counties (\$400,000 to large counties and \$125,000 to small and medium base counties). This methodology was chosen because of its ability to serve diverse drug court client populations within the county and was patterned after grant programs previously administered by ADP.

As of July 1, 1999, 34 counties have had their applications approved and been awarded DCPD grants to pay costs related to their multi-agency drug court plans. Each approved plan must identify resources and present strategies for providing an effective drug court program. Each county is responsible for dispersing funds at the local level, determining allowable costs for community-based organizations, and identifying the services needed for the participant and for the drug court.

Through its awards, the DCPD will provide services to approximately 3,000 participants per year (for each of the four project years) in existing or developing drug courts. The DCPD awardees exemplify collaboration between the Alcohol and Other Drugs (AOD) treatment community and criminal justice organizations through inter-disciplinary

training, appropriate treatment designs, integrated and linked management information systems to aid supervision, written implementation plans, and comprehensive evaluation strategies. Hence, the DCPD requires of each partner in the collaboration a formal and written commitment to local drug court efforts and to its roles and responsibilities in providing information for the required periodic reports and statewide evaluation. The drug court partners may include but are not limited to: a judge, a county AOD administrator, a defense attorney, a prosecutor, a probation officer, treatment providers, a Child Protective Services representative, and a Mental Health Department representative.

◆ Distribution of Remainder of Funds

After all 34 county grantees had received their grants, a \$300,284 balance of Drug Court Partnership funds from FY 1999–2000 remained. Each grantee had identified unmet needs in responding to the initial RFA. The Steering Committee determined that the terms of the Partnership Act required that this remaining balance be distributed to the initial 34 county grantees. Therefore, the secondary distribution was made using the same proportionate methodology and guidelines developed for the initial distribution. To apply for its share of the unexpended funds, each grantee was required to submit a four-year plan containing a written justification, an expenditure plan, and an identification of the county match. To date all 34 counties have submitted applications for the unexpended funds. ADP is in the process of allocating these DCPD funds to the 34 counties.

Goals of Drug Courts

Taking a rehabilitative approach to justice that is based on intensive drug treatment, close supervision, and a demand for offender accountability, drug courts remove nonviolent drug offenders from traditional case processing systems. Drug courts place offenders in programs designed to get them off drugs, reduce recidivism, save money, and improves the overall efficiency of the criminal justice system. These courts conduct frequent drug testing and provide intensive judicial supervision that deals promptly with relapses of drug use and with its consequences. Drug courts can therefore intervene in drug-seeking behaviors and associated criminal activities and offer a compelling choice for individuals whose criminal justice system involvement stems from substance abuse. Using a system of mandatory treatment with strictly supervised probation and immediate sanctions for those who relapse, drug courts achieve the twin sentencing goals of reduced criminality and reduced substance abuse. Together all these actions help lower jail and prison populations, secure public safety, and reduce SGF costs.

If treatment of drug court clients is to be effective, drug courts must also directly address other associated issues and build strong collaborations to meet client needs. For example: dual diagnosis (substance abuse with mental illness), educational needs, housing, job readiness, childcare, and general medical wellness.

As previously mentioned, a majority of DCPD participants require various services from multiple state, local, and community disciplines. It is vital that substance abuse treatment services in the DCPD be provided in coordination with other types of support services. This integration of services will enhance successful long-term outcomes and increase the social and economic benefit of the DCPD.

In the first national survey of adults on probation, conducted in 1995, nearly 70 percent of probationers reported past drug use and 32 percent reported they were using illegal drugs in the month before their offense.¹ Nationwide, 83 percent of the state prisoners and 73 percent of federal prisoners had used drugs at some time in the past.² The State of California faces critical overcrowding in both its jails and prisons. A significant proportion of this overcrowding results from the incarceration of individuals with drug or alcohol problems. In 1996, 445,371 arrests were made in California for drug- or alcohol-related offenses.³ Therefore, treatment through drug court offers both immediate and future savings for criminal justice and social services.

◆ Goals of the Drug Court Partnership Program

If drug courts are to continue to expand, generate positive outcomes for offenders, and gain acceptance and support from the communities they serve, a solid body of research is needed. The Partnership Act requires the demonstration of the cost-effectiveness of drug courts.

In addition, the DCPD endeavors to maintain public safety, reduce costs for state and local governments, and eliminate barriers for unserved and underserved populations. Thus, the drug court programs funded by the DCPD have identified the following specific goals:

Cost-Effectiveness

- Reduce the number of days spent in jail/prison;
- Reduce the number of crimes committed by the participants;
- Reduce the number of non-violent persons serving time in county jails or state prison; therefore making more space for violent offenders;
- Reduce local law enforcement costs associated with re-arrests;
- Reduce the number of babies born addicted to drugs;
- Obtaining independent housing;
- Obtaining employment;
- Increase the number of defendants who actually pay fines and fees;
- Family reunification; and
- Regaining custody and/or visitation and becoming a contributing and responsible parent.

Public Safety

- Decrease the overall criminality of the persons participating in drug court;

¹ *Substance Abuse and Treatment of Adults on Probation, 1995; by Bureau of Justice Statistics, U.S. Department of Justice, Office of Justice Programs. 1998*

² *Substance Abuse and Treatment State and Federal Prisoners, 1997; by Bureau of Justice Statistics, U.S. Department of Justice, Office of Justice Programs. 1999*

³ *Adult and Juvenile Arrests Reported, 1996; Sex and Law Enforcement Disposition by Specific Offense Statewide State California, Department of Justice, Division of Law Enforcement, Law Enforcement Information Center. 1997*

- Increase frequency of drug testing analysis;
- Decrease the re-arrest of participants;
- Place participants into drug-free housing on a routine basis; and
- Hold drug offenders strictly accountable.

Developing Partnerships

Drug courts are built on local partnerships that are forged between private and public agencies. These partnerships streamline agency processes so that drug court participants can obtain needed services in a timely and effective manner. In addition, the communication fostered by these partnerships helps drug court judges track participants. Some of the agencies that have agreed to participate in this collaborative effort, as identified by DCPD grantees, are:

County AOD Administrators	City police departments
County sheriff departments	Public health departments
Probation offices	Public defender's offices
Local housing authorities	County human resources agencies
Local school districts	District attorney's offices
Local private industry councils	Local offices of education
Child Protective Services	Child welfare offices
County mental health departments	Sober living providers
Outpatient alcohol and drug service providers	
Residential alcohol and drug treatment providers	

◆ Data Collection Program

The data collection tools were designed to address the goals of the drug courts, as listed earlier. The Steering Committee established the DCPD Evaluation Work Group to develop the DCPD evaluation design. The work group consisted of representatives from four counties, a professional researcher from the University of California at San Francisco, a representative from the Administrative Office of the Courts (AOC), representatives from the Senate Budget Committee and the Senate Pro Tempore's Office, and research and program unit staff members from ADP.

When designing the evaluation, the workgroup took into consideration the legislative mandates, recommendations of the Steering Committee, the RFA, and resource limitations. It also established certain principles such as building on other systems and tools, utilizing established and accepted categories of outcome measurements, and minimizing the impact of data collection on counties and providers. The work group reviewed the data elements of other commonly used outcome instruments, including the Addiction Severity Index Lite, the Drug Evaluation Network Study, the California Treatment Outcomes Project, and the California Alcohol and Drug Data System, in an effort to build on other data collection efforts in progress and to minimize the data collection and reporting duties of drug court programs and counties. In addition, the work group determined that counties will collect DCPD data at the *individual level* but report *aggregated* data to ADP quarterly. Counties are required to maintain individual records at the county level for future reference and for audit. Through the joint efforts of the Steering Committee, the DCPD Evaluation Work Group, the AOC and ADP, the data

collection instruments were designed, and after county input and approval by the Steering Committee, finalized. The instruments, which collect both baseline and quarterly data, and accompanying instructions, were mailed to the 34 grantee counties on November 10, 1999. The two reports were due December 10, 1999, and the data input will commence in late January 2000. The county-aggregated information will be entered into the DCPD database and will be maintained by ADP through the duration of the program. That same information will be available to the Steering Committee, the AOC, ADP, and other parties for planning, program, and policy decisions.

Data Collection Instrument

Reporting participant data to ADP requires each DCPD County to collect information on each participant when they enter and exit the program. The Partnership Acts states that the identification of outcome measure shall include, but not be limited to, the following: (A) the annual number of misdemeanor and felony convictions of persons participating in the program for a minimum of two years after entry into the program; and (B) the annual numbers of admissions to county jail and state prison of persons participating in the program for a minimum of two years after entry into the program. In addition to the legislative mandates to meet the requirements of the DCPD and to demonstrate the effectiveness of drug courts, the Steering Committee identified and recommended the following outcome measures:

- Legal information (prior and after entry to program) such as whether the drug court participant is on probation, parole, convicted of misdemeanor/felony and whether the participant is admitted to jail/state prison;
- The drug court participant retention rate from 30 days after entry into the program to graduation;
- The drug court participant re-arrest rate at 2 years prior to entry into the program*;
- The drug court participant re-arrest rate at one year after entry into the program*;
- The number of participants who have completed the program;
- The number of participants who obtained a GED, high school degree, vocational training certificate, or completed other educational program;
- The number of participants who were delinquent in child support payment and became current during participation;
- The number of participants who gained visitation rights with their children, retained custody, or regained custody of their children;
- The number of participants whose babies who were born drug-free;
- The number of participants who were homeless prior to entry into the program and have obtained housing while participating in the program;
- The number of participants who obtained or retained employment; and
- The number of participants who became current in program fees, fines and statutory fees.

**Not including traffic violations other than driving under the influence, reckless driving, and willful evasion of a police officer.*

The criminal history data collected will include baseline data to be used for comparison purposes, and data on new entrants that will track participants from the date of entry through the date of exit. The DCPD counties must report data quarterly to ADP.

Together, the Steering Committee and the work group developed these additional data elements:

- Demographic information, such as race/ethnicity, age, gender, marital status;
- Drug and alcohol use information, such as drugs of primary abuse, drugs regularly used and injection drug use; and
- Medical information, such hospital/emergency room use, treatment for mental illness and prior substance abuse treatment history.

◆ Next Steps

The Steering Committee, AOC, the Judicial Council and ADP have identified outcome measures, and the chart below is a brief overview of the major steps for the continued development and implementation of the DCPD evaluation:

DRUG COURT PARTNERSHIP PROGRAM EVALUATION PLAN
Major Steps, Activities, and Dates

STEPS	ACTIVITIES	DATES
1	AOC and ADP work together to review initial data received from counties for quality, accuracy, and completeness, and to correct or revise as necessary.	Ongoing from 1/00
2	AOC and ADP work together to develop methods, process and a system for quality control.	From 1/00 through 4/1/00
3	AOC and ADP work together to develop and deliver technical assistance to help drug courts, and treatment programs that are experiencing problems with data collection and reporting.	As needed from 1/00
4	AOC and ADP work together to develop an analysis plan that will eventually form the structure for the final report.	Ongoing from 2/00
5	AOC and ADP work together to develop a data query process (a system for responding to information requests) and to identify what information will be appropriate for responses.	From 4/00 through 7/1/00
6	AOC and ADP work together to develop routine management information reports tailored to the individual organization's needs.	From 4/00 through 7/1/00
7	AOC and ADP together continue to work with the counties and the Steering Committee.	Ongoing
8	AOC and ADP work together to continue the data collection, analysis, and reporting cycle.	Ongoing
9	AOC and ADP work together to produce the final report.	3/1/02

The final DCPD evaluation report is due to the Legislature on March 1, 2002. ADP and the Judicial Council, through the AOC, will continue to work together to administer, maintain, and report on the DCPD evaluation.

The Department of Alcohol and Drug Programs will work with grantees to develop a peer review and screening instrument for all DCPG grantees to utilize when visiting other DCPG sites. The peer review is an RFA requirement. In addition, ADP will continue to monitor and visit all DCPG grantees throughout California.

The Department of Alcohol and Drug Programs and the Judicial Council will continue to work together to provide leadership for the Drug Court Partnership Program. Reducing criminal activities and drug use will improve the lives of all Californians. The DCPG provides a crucial tool to achieve this goal.

Drug Court Partnership Act

(Interim Report Attachment)

	\$12 Million (Appropriated)				\$8 Million (Proposed)		
	\$4 Million		\$8 Million		\$8 Million		
	Chapter 1007 1998-99		Budget Act 1999-00		Proposed Governor's Budget 2000-01		2001-02
	Jan-Apr	May-June	July-Apr	May-June	July -Apr	May-June	July-Apr
Grantees funded in Phase 1		\$3.8 M		\$3.8 M		\$3.8 M	
T.A. & Evaluation	\$200,000		\$400,000		\$400,000		
Grantees funded in Phase 2			\$3.8 M		\$3.8 M		

Approved funding to date for FY 98/99 & FY 99/00

Grantees	First Project Year Allocation	*Second Project Year Allocation
Alameda	\$416,510	
*Butte	\$130,160	\$125,000
*Contra Costa	\$416,510	\$400,000
Fresno	\$416,510	
*Glenn	\$130,160	\$125,000
*Humboldt	\$130,160	\$125,000
*Kern	\$130,160	\$125,000
*Los Angeles	\$416,510	\$400,000
Madera	\$130,160	
*Mendocino	\$130,160	\$125,000
Merced	\$130,160	
*Napa	\$130,160	\$125,000
Nevada	\$130,160	
Orange	\$416,510	
*Placer	\$130,160	\$125,000
Plumas	\$130,160	
*Riverside	\$416,510	\$400,000
Sacramento	\$416,510	
*San Bernardino	\$416,510	\$400,000
*San Diego	\$416,510	\$394,782
San Francisco	\$367,942	
*San Joaquin	\$130,160	\$125,000
San Luis Obispo	\$130,160	
*San Mateo	\$130,160	\$125,000
Santa Barbara	\$130,160	
*Santa Clara	\$416,510	\$400,000
Santa Cruz	\$130,160	
Shasta	\$130,160	
*Sonoma	\$129,034	\$124,874
*Stanislaus	\$130,160	\$125,000
Sutter/Yuba	\$130,026	
Tuolumne	\$130,160	
Ventura	\$109,000	
*Yolo	\$130,160	\$125,000
Total	\$7,504,302	\$3,894,656

Grand Total \$11,398,874

***Grantees funded in May 1999 all other grantess were funded in July 1999**